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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SEVENTEENTH SESSION

Draft report

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Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

Namibia

1. The Committee considered the initial report of Namibia (CEDAW/C/NAM/1) at its 336th, 337th and 342nd meetings, on 8 and 11 July 1997.

2. The report was introduced by the Director-General of Namibia's Department of Women Affairs in the Office of the President. She recounted that Namibia had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, without reservations, on 23 November 1992, within two years of gaining its independence. The Convention had served as a complement to a Constitution designed to promote the rights of women.

3. The Department of Women Affairs had been established shortly after independence in 1990. Its aim was to ensure the integration of women into the overall development process, to guide policy formulation, to monitor its implementation and to see that the gender component was always taken into account. The Department actively publicized the Convention and encouraged women

to assert their rights. The representative explained that all government policies and programmes in Namibia would be guided by a more integrated gender policy to be finalized in 1997.

4. She explained that Namibia's initial report described nine gender-sectoral committees comprising representatives of governmental and non-governmental organizations who were consulted in the implementation of national programmes to ensure that all government policies and programmes were gender-sensitive.

5. The initial report, which had been submitted to the Secretariat in 1996, covered the period from 1992 to 1995. The representative summarized the report and supplied further information up to 1997, thereby giving an up-to-date summary of the situation in Namibia. She highlighted the Married Persons Equality Act, which had been passed since the submission of the report, and which provided for equality between spouses in financial transactions, marital property and guardianship of children.

6. The Committee was informed that the Department of Women Affairs was in the process of formulating a national gender policy, and that the Law Reform and Development Commission had responsibility for guiding law reform, which would remove all existing legal discrimination against women. Violence against women and children had emerged as one of the greatest challenges to the advancement of women in Namibia, and was perceived to be a widespread and serious problem despite a lack of current statistical information. Legislation was currently being enacted to address violence against women. Reports of rape and attempted rape were increasing annually, and there were calls for law reform in that area, as the current law remained discriminatory in some areas and was considered ineffective.

7. Religious beliefs, cultural practices and remaining inequities under general and customary laws were factors that continued to allow men to dominate women in the family context. Sexual stereotyping of women as "mothers" had led to difficulties for many women in choosing career paths other than motherhood. Regional gender workshops organized by the Government were being used to combat sexual stereotyping.

8. The representative stated that there had been a slight improvement in the proportion of women in political positions, and that the impact of women in Parliament would be strengthened by the Parliamentary Women's Caucus. She emphasized that the implementation of affirmative action would serve to attract the participation of more women in politics. Women still tended to be under-represented in senior positions in both government and the private sector. Namibia's first woman judge had been appointed since the initial report was completed, and the post of Ombudsman was occupied by a woman.

9. The Namibian Constitution guaranteed the right of education to all persons, and education was compulsory up to 16 years of age. Female enrolment had increased at every age level, and there had been a corresponding improvement in female literacy amongst younger age groups. Teenage pregnancy, which was common, was the biggest challenge to female educational advancement. It was a major factor in the school drop-out rate for girls.

10. Sex discrimination and sexual harassment in the labour sector was forbidden by the 1992 Labour Act. Equal pay for equal work was a mandate of the Act, although women presently worked in occupations that tended to be associated with low levels of remuneration. Rural women were the largest demographic group in Namibia.

11. Namibia's fertility rate was one of the highest in the world and the Government continued to be committed to reducing that rate through public campaigns and expanded family planning services. Abortion was illegal, except in cases of incest and rape and for reasons of health of the mother or baby. Legal abortions and infanticide were significant problems in Namibia, but the law on abortion and sterilization was under discussion. There was also a high incidence of polygamy in some communities. Human immunodeficiency virus and acquired immunodeficiency syndrome were increasing at an alarming rate, especially among women as a result of their low social and economic status.

12. Workshops to implement the Beijing Platform for Action were being carried out nationally, and community programmes were being developed. The Convention and the Platform for Action were seen as complementary and of equal importance, but she noted that the implementation of both was affected by a lack of funds. She reminded the Committee that Namibia had made a firm commitment at the Fourth World Conference on Women to pay special attention in four areas: education, training and the girl child; women and law; violence against women and children; and health.

13. The representative concluded that Namibia had made great strides in improving the position of women, although it would take more time to transform Namibia into a truly gender-equal society. That was a realizable objective because of the willingness of Namibian women to have their voices heard, and the progressive realization of the guarantees in the Constitution and the Convention, and the promises of the Platform for Action.

Concluding comments of the Committee

14. The Committee thanked the State party for its report, which was both well-structured and contained detailed information. It also complimented the Director-General of the Department of Women Affairs in the Office of the President for her lucid and frank presentation.

Factors and difficulties affecting the implementation of the Convention

15. The Committee noted that women in Namibia continued to face persistent discrimination which arose out of some traditional and customary laws.

16. It also pointed to the fact that a large proportion of women were not empowered economically and their poverty made it difficult for them to fulfil their aspirations as guaranteed by the Convention.

17. The Committee also identified the general lack of knowledge relating to human and legal rights as an obstacle to the implementation of the Convention.

Positive aspects

18. The Committee commended the Government of Namibia for ratifying the Convention without reservations so soon after its successful and long struggle for independence.

19. The Committee was satisfied with the detailed analysis given in the report, which presented a clear picture of the situation of women in Namibia.

20. The Committee noted with satisfaction that non-governmental organizations had been involved in the preparation of the report.

21. The Committee commended the Government of Namibia for the peaceful transition to an independent State and for demonstrating general respect for the human rights of all people in Namibia.

22. The establishment of the Department of Women Affairs and the recent upgrading of the Department to cabinet level were also commended by the Committee. The Committee noted with satisfaction the achievements of the Department.

23. The Committee noted with appreciation the establishment of the Law Reform and Development Commission and the legal measures that had been put in place following the ratification of the Convention. It noted that they had contributed to the impressive progress towards gender equality.

24. The Committee welcomed the Married Persons Equality Act and looked forward to the enactment of the proposed Children's Act.

25. The Committee noted with satisfaction the positive developments in the area of women in decision-making and, in particular, the appointment in December 1996 of a woman as the first Ombudsman.

26. The Committee commended Namibia for the establishment of women and child abuse centres, although it noted that at present these centres were still operating on a small scale.

27. The Committee was grateful for the appointment of the first woman judge.

28. It commended the Government for focusing on affirmative action as a means of closing the gap in gender equality.

29. The Committee welcomed the establishment of nine gender-sectoral committees and commended the programme of sensitization of parliamentarians and public officers with respect to the Convention.

Principal subjects of concern

30. The Committee expressed its concern that the report did not address the Committee's general recommendations.

31. The Committee identified as areas of concern the lack of time-frame in the implementation of affirmative action programmes and also the lack of programmes to sustain the objectives and achievements of these programmes, particularly in respect of quotas.

32. The Committee was concerned with the lack of education and advocacy programmes to achieve de facto equality.

33. The Committee was greatly concerned with the prevalence of domestic violence and the persistence of stereotyped attitudes.

34. The Committee expressed concern that despite new laws, women, and in particular those in the rural areas, were unable to own land.

35. The Committee was concerned that the issue of maternity leave was dealt with under article 4 of the Convention as it was of the view that such a measure was not a measure of affirmative action.

36. The Committee was also concerned that although Namibia had ratified the Convention without reservations, the report outlined significant areas of persistent discrimination and de facto reservations to implementation of some areas of the Convention.

37. The Committee noted with concern that the Married Person's Equality Act did not sufficiently address discrimination in the family.

38. The Committee expressed concern that prostitutes had insufficient access to health care.

39. The Committee also expressed concern at the low level of participation of women in higher education and the high drop-out rate of girls from the formal education system.

40. The Committee expressed further concern with respect to the present inadequacy of the law on rape.

41. The Committee was concerned that pregnant teenage women were punished, while men responsible for the pregnancies were not.

42. The Committee noted with concern the incidence of discrimination against women in the labour market.

43. The Committee was concerned with the prevalence of polygamous marriages and that customary marriages were not registered.

44. The Committee was also concerned with the current law on abortion in Namibia and the high incidence of illegal abortions.

45. The Committee expressed dissatisfaction with the fact that although the Director-General of the Department of Women Affairs had been upgraded to cabinet level she did not have the right to vote in the Cabinet.

Suggestions and recommendations

46. The Committee requests the State party to ensure that the Committee's general recommendations are addressed in Namibia's next report to the Committee.

47. The Committee stresses that the implementation of affirmative action measures, including quotas, should have time-frames and should include educational and other programmes that will sustain the objectives and achievements of existing affirmative action programmes.

48. The Committee recommends that the Government intensify educational and advocacy programmes to achieve de facto equality and design and implement programmes that redefine the roles of women and men in the family.

49. The Committee recommends that the Government introduce, at all levels, more education on human and legal rights.

50. The Committee recommends that the Department of Women Affairs ensure that research is done to identify the customary laws that contravene the letter and spirit of the Convention and that attempts be made to replace those laws.

51. The Committee recommends that the Government ensure the effective monitoring of the implementation of all affirmative actions.

52. The Committee recommends that the Government take immediate action to combat domestic violence. This should include such legal measures as amending the law on rape as well as introducing awareness-raising programmes. The Committee stresses the importance of women's economic empowerment so as to avoid their total dependency on men and their increased vulnerability to domestic violence.

53. The Committee recommends that the Government introduce measures and programmes, including affirmative action, to increase women's participation at all levels of the judiciary.

54. The Committee urges the Government to target and give higher priority to some aspects of discrimination so as to focus broad attention on the issue.

55. The Committee suggests that the Government encourage non-governmental organizations to assist in bringing about legal change with regard to land ownership by women, especially in rural areas.

56. The Committee urges the Government to address the issue of polygamous marriages. Research on this issue should be conducted without delay and the Department of Women Affairs, in collaboration with non-governmental organizations and the churches, should introduce an intensive programme to discourage polygamy.

57. The Committee recommends that the Government ensure, as soon as feasible, the registration of all customary marriages.

58. While the Committee recognizes the need to sustain traditional courts, it urges the Government to ensure that these courts comply with the principles of the Convention in all respects.

59. The Committee urges the Government to amend the Married Person's Equality Act so as to eliminate discrimination in the family.

60. The Committee suggests that the State party respond in its next report to the questions raised on abortion and all other questions related thereto.

61. The Committee recommends that the Government continue its collaboration with non-governmental organizations.

62. The Committee strongly urges the State party to encourage political parties in Namibia to encourage the participation of women and to introduce affirmative action measures in that regard.

63. The Committee requests the Government to address in its next report the concerns included in the present comment and to provide information on the implementation of the Committee's general recommendations.

64. The Committee requests the wide dissemination of these concluding comments in Namibia to make Namibians aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard.